

REMARKS

Applicants herein amend Claim 10 for clarity by emphasizing that it is the scanned digital image for which audio information is recorded. This does not add new matter or raise new issues as a reading of the unamended claim clearly demonstrates that the “digital image” is the scanned image. Claims 29 and 30 are cancelled. Review and reconsideration of the application in view of Applicants’ amendments and remarks are respectfully requested.

Consideration of the amendments and remarks after final is proper under 37 C.F.R. §1.116 because 1) the amendment does not add new matter; 2) the amendment does not require further search or consideration; 3) the remarks clarify issues previously presented and address new rejections first raised in the final Office Action; and 4) the amendment and remarks place the application in condition for allowance, or at least in better condition for appeal, should an appeal be necessary. Entry and consideration of the amendment and remarks is thus respectfully solicited.

Applicants submit, contrary to the Examiner’s assertion, claims 3-30 are not all pending. The pending claims are: 3, 4, 7, 8, 10, 12, 17, and 22-30, with claims 3, 4, 7, 8, 10, 12, 22-25, and 27-30 rejected.

Applicants thank the Examiner for the indication of allowable subject matter in claims 17 and 26. For at least the following reasons, all claims are allowable.

Claims 4, 23, 27-28 and 30

Claims 4, 23, 27-28 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Han, US 6,608,707. Applicants traverse the rejection for at least the following reasons.

Claim 30 is cancelled, rendering the rejection with regard to claim 30 moot.

Han does not teach, disclose, or suggest the subject matter of any of claims 4, 23, 27, or 28. All claims 4, 23, 27, 28, and 30 are directed to a portable imaging system having a first and second member, a scanning area in either the first

or second member, a memory, and a communication port. Claim 4, and claim 23 dependent therefrom, additionally include an input device of a keyboard or touchscreen display. The imaging system of claim 27 additionally includes a video input device for receiving one or more video clip relating to a digital image scanned into the system. Claim 28 includes a modification input for manipulating the image by zooming, cropping, or rotating before storage in memory. None of these specific features are taught in Han.

Claims 4 and 23 of the claimed invention require a keyboard or touchscreen display in order to collect information associated with the digital image. Han discloses at col. 11, lines 44-48, that the LCD display of the scanner can include a keyboard port. There is no teaching or disclosure of the use of a keyboard with the scanner, or how a keyboard would function in conjunction with the scanner were a keyboard connected thereto. Han neither teaches nor suggests any reason why a keyboard would be connected to the LCD display of the scanner. The Examiner at page 2 of the Office Action points to Col. 2, lines 30, - Col. 3, line 26, of Han as teaching “touch panel buttons that function to scan, copy, print, and fax the input image in to the input device.” Applicants note this portion of Han includes the Brief Description of the Drawings and a portion of the first paragraph of the Description of the Preferred Embodiments. A keyboard or touchscreen display is not mentioned in the text or shown in the accompanying Figures. Certain Figures do show, and there is text in Han describing, use of touch panel buttons as described by the Examiner at page 2 of the Office Action. However, Claims 4 and 23 explicitly claim the keyboard or touchscreen display are “to collect information associated with the digital image,” which the touch panel buttons of Han are not disclosed or suggested as being capable of doing. Thus, there is no disclosure or suggestion in Han of an input device adapted to collect information associated with the digital image, wherein the input device is a keyboard or a touchscreen display, as set forth in claims 4 and 23.

Claim 27 requires that the imaging system include a video input device for receiving one or more video clip relating to the digital image. Applicants respectfully submit the Examiner has misread the claim. As indicated at page 8, lines 28, -page 9, line 2, of the specification, the input port receives video into the imaging system. Han discloses at col. 11, lines 44-48, that the LCD display of the scanner can be connected to a VGA monitor or a TV monitor to display an image. Monitors, in

and of themselves, are output devices, not input devices. Monitors receive and display signals, as known to those of ordinary skill in the art. This is admitted by the Examiner at page 3 of the Office Action, wherein it is stated:

For claim 27, Han teaches the purpose of the VGA monitor is to ***display images from*** the described embodiment. See Col 10 Lines 26-32. (Emphasis added.)

Col 10, lines 26-32, state:

Also, the scanner 300 is configured and adapted to ***display directly to*** a VGA monitor using conventional firmware and, also, is ***configured to output for display on*** a TV screen. ... (Emphasis added.)

Again, claim 27 requires the imaging system include “a video input device for ***receiving*** one or more video clip relating to the digital image.” Han does not disclose or suggest receipt of a video image.

Claim 28 requires “a modification input for zooming, cropping, or rotating the digital image before or after storage in memory.” Han discloses at col. 11, lines 44-48, that the LCD display can include an 8-button navigational control panel, indicated by the Examiner to be one basis of the rejection of claim 28 (see page 4 of Office Action). The Examiner further cites col. 12, lines 19-27 as a place that “teaches wherein the navigational button is used for cropping.” However, this section of Han reads as follows:

With the optional, conventional transparent media adapter, the sixth preferred embodiment is available for scanning film positives or negatives as large as 9.5"×11.5". Images may also be sent via e-mail over the network by use of a conventional, PC compatible keyboard. This scanner also features a conventional auto Crop function which determines the location of the original to be scanned on the bed and then Crops right to its edges. The 5-inch diagonal LCD display measures 4"×3".

As stated in Han, the scanner described auto-crops the image to the size of the original placed on the scanner flatbed, eliminating unnecessary white area around the image corresponding to the full scanner flatbed size. Han does not disclose or suggest “a modification input for zooming, cropping, or rotating the digital image before or after storage in memory” as required by claim 28 of Applicants’ application because Han teaches only autocrop, which requires no modification input, or a control panel

with no indication of its use. Therefore, Han does not teach, disclose, or suggest a modification input for zooming, cropping, or rotating images.

For at least the above reasons, Han does not teach, disclose, or suggest the subject matter of any of claims 4, 23, 27, or 28. Reconsideration and withdrawal of the rejection with regard to claims 4, 23, 27, 28, and 30 are respectfully requested.

Claims 3 and 22

Claims 3 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han '707 in view of Os, US 6,480,304. Applicants traverse the rejection for at least the following reasons.

The Examiner admits at page 7 of the Office Action that Han does not disclose or suggest “an image input device having an opening for receiving a removable digital image media to enable digital image input from said digital image media to the memory of the portable imaging system.” The Examiner cites Os, col. 10, lines 10-16, as disclosing “storing images from a portable media to a portable scanning device.” While this section of Os does disclose the use of removable storage media with the scanning system of Os, it goes on to describe the information uploaded from the media at col. 10, lines 14-19, as “the scanner software described above,” which software is operational software, that is, the computer program that actually controls the operation of the scanner, and can be inserted into a computer system to control the scanner. As stated at col. 10, lines 23-27:

Scanner software in the form of data and program code for controlling the operation of the scanner 12 may be transferred from the removable storage device 168 to the non-volatile mass storage 167 under control of an installation program as described above.

The Examiner states at page 2 of the Office Action that:

Col 5 Lines 47-58 teaches scanner software which determines if a document is present on the scan surface and generates raw scan data which is converted to a format supported by the target application and saved in a file format and mass storage location.

Lines 54-58 of column 5 read as follows:

At block 63, the raw scan data is converted to a format supported by the target application program and is saved in a

file format and mass storage location associated with the identified application program.

When read as a whole, Os discloses uploading a scanning program to the non-volatile mass storage, which program, when run from the non-volatile mass storage of a computer system, can generate raw scan data and save such data in an appropriate format in the mass storage location. There is no teaching, disclosure, or suggestion of uploading images from the media including the scanner software. Os teaches that the function of the removable storage media is enabling any computer to drive the scanner.

In contrast, Claim 3 requires:

... an image input device having an opening for receiving a removable digital image media to enable digital image input at said opening from said digital image media to the memory of the portable imaging system.

Neither Han nor Os disclose or suggest such a device capable of receiving digital image media for input of digital images from the media to the memory of the portable imaging system.

If combined with Han, the teaching of Os would provide one skilled in the art a means of enabling an interoperable computer system to run the scanning device of Han. There is no teaching, disclosure or suggestion to have an image input device having an opening for receiving a removable digital image media to enable digital image input at said opening from said digital image media to the memory of the portable imaging system, as set forth in claim 3 and claim 22 dependent therefrom. For at least the above reasons, reconsideration and withdrawal of the rejection are in order, and are respectfully solicited.

Claim 7

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Han '707 in view of Brennan, US 5,070,966. Applicants traverse the rejection for at least the following reasons.

At page 6 of the Office Action, the Examiner admits Han does not:
disclose expressly a display disposed in either the first or second member for displaying the digital image and for

displaying advertisement information when the system is in the open position.

Brennan is cited for teaching “a scanner with a flat open for displaying of advertising or other information” at col. 2, lines 10-16. The Examiner argues Han and Brennan are combinable because they are “from the same field of endeavor, scanners” (see page 9), and in particular, at page 2, because “both devices are capable of reading images and like a flatbed scanner, it [barcode scanner] generally consist [sic] of a light source, a lens and photo conductor translating optical impulses into electrical ones.”

While Applicants admit the physical parts that enable scanning in both a barcode scanner and a document scanner are similar, that is not enough to combine the fields of art. A barcode scanner does not require a memory capable of storing image data, and is not typically connected via a communications network to a device for later production of the scanned barcode as a document. Barcode scanners are used to identify and track goods, and the barcode read off an item is typically not printed or otherwise displayed as a bar code. Thus, combination of a barcode scanner and a document scanner, in view of Applicants’ claimed invention, is inappropriate.

Even if Han was combined with Brennan, the result would be advertisement material on a protective cover of Han, for example, the housing including the scanner. Brennan does not teach a display in a scanner, wherein the display shows advertisement information. Brennan teaches a barcode scanner having a protective clear cover over the scanning optical array where the cover includes advertisement information. There is no motivation or suggestion in either reference to move the static advertisement display from the protective cover of the scanner array to an active display embedded in the scanner. Applicants note this would require programming of the display, which is not a simple feat. For at least the above reasons, reconsideration and withdrawal of the rejection of claim 7 are in order, and are respectfully solicited.

Claims 8 and 25

Claims 8 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han ‘707 in view of Irons, US 6,192,165. Applicants traverse the rejection for at least the following reasons.

Claims 8 and 25 are directed to a portable imaging system having software for tracking information associated with the digital image, wherein the information is an image name or scanning date. As described in the specification at least at page 10, lines 21-23, the image name is a name used to reference the image, for example, "grandmajean" if the image is of Grandma Jean as opposed to Grandma Kate.

The Examiner admits at page 7 of the Office Action that Han does not disclose or suggest software for tracking information associated with the digital image. Irons is cited for such teaching at col. 15, lines 36-53.

Irons cannot be combined with Han because such a combination is expressly taught against in Irons. Irons teaches isolating the scanning operation from indexing and storing of the information at col. 15, lines 27-34. In particular, Irons continues at col. 15, lines 34-36, to state:

A user can index and apply a label 400 to documents in a batch, then transport the batch of indexed documents to a third party scanning service provider.

The advantages cited are implementing digital filing with reduced costs by outsourcing scanning to a dedicated third party scanning operation, as taught at lines 49-53. Thus, Irons specifically teaches to separate scanning functions from indexing and storage functions, and therefore teaches away from any combination with Hans because such a combination would defeat the purpose of Irons.

Even if Irons were combinable with Hans, which it is not for at least the above reasons, Irons still does not teach, disclose, or suggest a software for tracking an associated image name or scanning date as described by Applicants. As disclosed at col. 15, lines 36-46:

The service provider scans the previously indexed documents and stores digital images of the documents onto a recordable, transportable media (i.e., CD-ROM, DVD, etc). The third party scanning service provider's software is an extension of digital filing application 227 and will, therefore, be capable of naming the digital images according to the name stored in each document's bar code portion 420. When the transportable media is re-introduced to system 100 a[sic] the user's location, image index database 228 can locate the scanned images by using the document number, which is now the image file name.

Thus, the image name is a document number already assigned by the indexer of the documents, and recorded by bar code on each image. Thus, it is a bar code number assigned to the document that is recorded as a “name” for the scanned document, not a personalized image name or scanning date.

For at least the above reasons, combination of Irons with Han is improper, and, even if it were proper, does not disclose or suggest the claimed invention. Reconsideration and withdrawal of the rejection are in order and are respectfully solicited.

Claims 10 and 12

Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han ‘707 in view of Yamauchi et al., US 6,020,982. Applicants traverse the rejection for at least the following reasons.

The Examiner admits at page 11 of the Office Action that Han does not disclose or suggest an audio input device for receiving audio information relating to the digital image. Yamauchi is cited for such teaching at col. 8, lines 54-58, and col. 42, lines 1-11.

Yamauchi is directed to an electronic still camera capable of recording digital images. Col. 8, lines 54-58 indicate that digital voice data can be stored in memory, as well as digital image data. A reading of the entire reference shows that the voice data is recorded simultaneous to the taking of the digital image, for example, see col. 13, lines 29-36. Col. 42, lines 1-11 describe various equipment that can be used to enjoy playback of recorded sound with the image. Yamauchi does not disclose or suggest recording sound after an image is recorded, as claimed by Applicants. Thus, Yamauchi does not disclose or suggest every feature of the claimed invention, alone or in combination with Han.

Applicants submit there is no motivation to combine a digital camera as taught with Yamauchi with a scanner device as taught by Han. Both teach an imaging system, but one captures live data, and the other scans and records prerecorded information from different media. The devices serve vastly different purposes, and have no overlap in purpose. One skilled in the art of scanners would not look to a digital camera for information in design or function, and a digital camera

designer would not look to a scanner for design or function. Combination of these references is improper.

Even if combination were not improper, which applicants argue it is, Yamauchi does not teach, disclose, or suggest an audio input device for receiving audio information relating to a scanned digital image. As set forth at page 10, lines 10-15, the audio information claimed by Applicants is narration, identification of subject matter, musical scoring, or staged re-creation of the imaged event. It is not a live capture of audio at the time the original image is captured as taught in Yamauchi.

For at least the above reasons, reconsideration and withdrawal of the rejection of claims 10 and 12 are in order, and are respectfully solicited.

Claim 29

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Han '707 in view of Butikofer et al., US 6,574,443. Claim 29 is cancelled, rendering the rejection moot.

Applicants submit all of pending claims 3, 4, 7, 8, 10, 12, 17, and 22-28 are in condition for allowance for at least the above reasons. Reconsideration and prompt action in the form of a Notice of Allowance are respectfully solicited.

Should the Examiner require anything further, or have any questions, the Examiner is asked to contact Applicants' undersigned representative.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.